

## Introduced by Senator Simitian

February 22, 2005

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An act to amend Section 5090.70 of the Public Resources Code, and to amend Section 38225 of the Vehicle Code, relating to vehicles.

## LEGISLATIVE COUNSEL'S DIGEST

SB 800, as introduced, Simitian. Off-highway vehicles: identification: fee.

Existing law, the Off-Highway Motor Vehicle Recreation Act of 1988, provides for the acquisition, operation, and funding of state off-highway vehicular recreation areas and trails. Specified taxes imposed upon the distribution of motor vehicle fuel and certain fees, fines, forfeitures, and reimbursements are required to be deposited in the Off-Highway Vehicle Trust Fund for allocation, upon appropriation by the Legislature, by the Off-Highway Motor Vehicle Recreation Commission. All of the above provisions in existing law are to be repealed on January 1, 2007.

This bill would extend that repeal date until July 1, 2007, and would similarly extend a January 1, 2007, repeal date, currently applicable to the collection and disposition of certain related fees, to July 1, 2007.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 5090.70 of the Public Resources Code is
- 2 amended to read:
- 3 5090.70. This chapter shall remain in effect only until ~~January~~
- 4 *July* 1, 2007, and as of that date is repealed, unless a later enacted

1 statute, that is enacted before ~~January~~ *July* 1, 2007, deletes or  
2 extends that date.

3 SEC. 2. Section 38225 of the Vehicle Code, as amended by  
4 Section 40 of Chapter 227 of the Statutes of 2001, is amended to  
5 read:

6 38225. (a) A service fee of seven dollars (\$7) shall be paid to  
7 the department for the issuance or renewal of identification of  
8 off-highway motor vehicles subject to identification, except as  
9 expressly exempted under this division.

10 (b) In addition to the service fee specified in subdivision (a), a  
11 special fee of eight dollars (\$8) shall be paid at the time of  
12 payment of the service fee for the issuance or renewal of an  
13 identification plate or device.

14 (c) All money transferred pursuant to Sections 8352.6 and  
15 8352.7 of the Revenue and Taxation Code, all fees received by  
16 the department pursuant to subdivision (b), and all day use,  
17 overnight use, or annual or biennial use fees for state vehicular  
18 recreation areas received by the Department of Parks and  
19 Recreation, shall be deposited in the Off-Highway Vehicle Trust  
20 Fund, which is hereby created. There shall be a separate  
21 reporting of special fee revenues by vehicle type, including  
22 four-wheeled vehicles, three-wheelers, motorcycles, and  
23 snowmobiles. All money shall be deposited in the fund, which is  
24 a trust fund, and, upon appropriation by the Legislature, shall be  
25 allocated by the Off-Highway Motor Vehicle Recreation  
26 Commission, as provided in this section. Money in the fund shall  
27 be administered by the commission, as trustee of the fund, and,  
28 subject to Section 5090.61 of the Public Resources Code, shall be  
29 allocated for those purposes set forth in Section 5090.50 of the  
30 Public Resources Code.

31 (d) Any money temporarily transferred by the Legislature  
32 from the Off-Highway Vehicle Trust Fund to the General Fund  
33 shall be reimbursed, without interest, by the Legislature within  
34 two fiscal years of the transfer.

35 (e) This section shall remain in effect only until ~~January~~ *July*  
36 1, 2007, and as of that date is repealed, unless a later enacted  
37 statute, that is enacted before ~~January~~ *July* 1, 2007, deletes or  
38 extends that date. Any unencumbered funds remaining in the  
39 Off-Highway Vehicle Trust Fund on ~~January~~ *July* 1, 2007, shall  
40 be transferred to the General Fund.

1 SEC. 3. Section 38225 of the Vehicle Code, as amended by  
2 Section 3 of Chapter 202 of the Statutes of 1996, is amended to  
3 read:

4 38225. (a) A service fee of seven dollars (\$7) shall be paid to  
5 the department for the issuance or renewal of identification of  
6 off-highway motor vehicles subject to identification, except as  
7 expressly exempted under this division.

8 (b) This section shall become operative on ~~January~~ *July* 1,  
9 2007.

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